

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANTHONY BOLES,

Petitioner,

Case Number 12-11711

Honorable David M. Lawson

v.

LLOYD RAPELJE,

Respondent,

_____ /

ORDER DENYING MOTION FOR APPOINTMENT OF COUNSEL

This matter is before the Court on the petitioner's motion for appointment of counsel. There is no constitutional right to counsel for habeas proceedings. *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *Post v. Bradshaw*, 422 F.3d 419, 423 n.1 (6th Cir. 2005). Habeas proceedings are civil proceedings, *Browder v. Director, Dep't of Corr. of Ill.*, 434 U.S. 257, 269 (1978), and "appointment of counsel in a civil case is . . . a matter within the discretion of the court. It is a privilege not a right." *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987) (quoting *U.S. v. Madden*, 352 F.2d 792, 793 (9th Cir. 1965)). The Court does not see grounds to grant the petitioner's motion at the present time.

Accordingly, it is **ORDERED** that the petitioner's motion for appointment of counsel [dkt. #8] is **DENIED WITHOUT PREJUDICE**.

s/David M. Lawson

DAVID M. LAWSON

United States District Judge

Dated: August 24, 2012

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on August 24, 2012.

s/Deborah R. Tofil
DEBORAH R. TOFIL